



## UNITED STATES PATENT AND TRADEMARK OFFICE

IPW  
10/21/2004  
OCT 21 2004  
RECEIVED  
MAY 25 2004  
CONFIRMATION NO. 9527  
FORMALITIES LETTER  
\*OC000000012706733\*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/787,058	02/24/2004	James J. Spilker JR.	RSM054001

29825  
LAW OFFICE OF RICHARD A. DUNNING, JR.  
343 SOQUEL AVENUE  
SUITE 311  
SANTA CRUZ, CA 95062

RECEIVED

MAY 25 2004

Date Mailed: 05/19/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

***Filing Date Granted***

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1510** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2410** for a Large Entity

• \$770 Statutory basic filing fee.	10/22/2004 WASFAW1 00000019 10787058
• \$130 Late oath or declaration Surcharge.	01 FC:1051 130.00 0P
	02 FC:1001 790.00 0P
	03 FC:1201 88.00 0P
	04 FC:1202 72.00 0P
• Total additional claim fee(s) for this application is \$1510	

- \$430 for 5 independent claims over 3.
- \$1080 for 60 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Please type a plus sign (+) inside this box → +

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL

## FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/787,058
		Conf. No.	9527
		Filing Date	02/24/04
		First Named Inventor	Spilker, Jr.
		Group Art Unit	3662
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	RSM054001

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Richard A. Dunning, Jr.
Signature	
Date	10/19/04

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on this date: 10-19-04

Type or printed name	Diane Dunning	Date	10-19-04
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$2060.00)

## Complete if Known

Application Number	10/787,058	Conf. No.	9527
Filing Date	2/24/2004		
First Named Inventor	Spilker, Jr.		
Examiner Name	TBS		
Art Unit	3662		
Attorney Docket No.	RSM054001		

## METHOD OF PAYMENT (check all that apply)

 Check     Credit Card     Money Order     Other     None
 Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified account

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	790.00
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$790.00)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from Below	Fee Paid
Total Claims	24	-20**=	4	x 18	= 72.00
Independent Claims	4	-3**=	1	x 88	= 88.00
Multiple Dependent					

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	30	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$160.00)		

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Code	Fee (\$)
		Surcharge – late filing fee or oath	2051	65
		Surcharge – late provisional filing fee or cover sheet	2052	25
		Non-English specification	1053	130
		For filing a request for ex parte reexamination	1812	2,520
		Requesting publication of SIR prior to Examiner action	1804	920*
		Requesting publication of SIR after Examiner action	1805	1,840*
		Extension for reply within first month	1251	110
		Extension for reply within second month	1252	430
		Extension for reply within third month	1253	980
		Extension for reply within fourth month	1254	1,530
		Extension for reply within fifth month	1255	2,080
		Notice of Appeal	1401	340
		Filing a brief in support of an appeal	1402	340
		Request for oral hearing	1403	300
		Petition to institute a public use proceeding	1451	1,510
		Petition to revive – unavoidable	1452	110
		Petition to revive – unintentional	1453	1,370
		Utility issue fee (or reissue)	1501	1,370
		Design issue fee	1502	490
		Plant issue fee	1503	660
		Petitions to the Commissioner	1460	130
		Processing fee under 37 CFR 1.17(q)	1807	50
		Submission of Information Disclosure Stmt	1806	180
		Recording each patent assignment per property (times number of properties)	8021	40
		Filing a submission after final rejection (37 CFR § 1.129(a))	1809	790
		For each additional invention to be examined (37 CFR § 1.129(b))	1810	790
		Request for Continued Examination (RCE)	1801	790
		Request for expedited examination of a design application	1802	900
Other fee (specify)		SUBTOTAL (3)		
		(\$1110)		

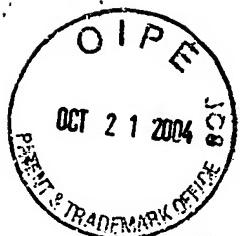
\*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Richard A. Dunning, Jr.	Registration No. (Attorney/Agent)	42502	Telephone 831.420.0561
Signature				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Spilker, Jr. Art Unit : 3662  
Serial No. : 10/787,058 Examiner :  
Filed : 2/24/2004 Conf. No. : 9527  
Title : Position Location and Data Transmission using Pseudo Digital Television  
Transmitters  
Attorney Docket No.: RSM054001

**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed May 19, 2004 (copy enclosed), Applicant as a large entity submits herewith the following:

- Payment of the basic filing fee of \$790;
- Payment of the additional/multiple dependent claims fees of \$160;
- Payment of \$130 surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application;
- A Petition for Extension of Time for reply to the Notice to File Missing Parts and payment of the petition fee;
- A Verified Statement Claiming Small Entity Status;

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Diane M. Dunning  
Typed or Printed Name of Person Signing Certificate

Applicant : Spilker, Jr.  
Serial No. : 10/787,058  
Filed : 2/24/2004  
Page : 2

Attorney's Docket No.: RSM054001

- A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;
- A drawing transmittal letter and \_ sheets of drawings;
- A verified English translation of the application and payment of the \$130 fee required under 37 CFR §1.17(k); and
- Other: Preliminary amendment under 37 C.F.R. 1.115

It is understood that this perfects the application and no additional papers or filing fees are required.

Respectfully submitted,

Date: 10/18/04



Richard A. Dunning, Jr.  
Reg. No. 42,502  
PTO Customer No. 29825